HIGH COURT OF UTTARANCHAL AT NAINITAL

C-482 NO. 936 OF 2006

1. Wali Mohammad,
   S/o Shri Dildar Husain,
2. Afsari Begum, W/o Shri Wali Mohammad,
   Both R/o Ali Ki Chungi, Mandi Road, Saharanpur,
   P.S. Mandi, Saharanpur (U.P.) .....Applicants.

Versus

1. State of Uttaranchal.
2. Asraf Ali, S/o Shri Sarafat Ali,
   R/o Sultanpur Kunhari, P.S. Laksar,
   District-Haridwar. .....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Ajay Veer Pundir, counsel for the applicant and A.G.A. for the State.

2. By the present petition filed under Section 482 of the Code of Criminal Procedure, applicants have prayed for quashing the charge-sheet dated 30th September, 2006 U/s 323/504/506/498A I.P.C. and 3/4 of the Dowry Prohibition Act.

3. Briefly stated, according to the FIR, marriage between Shah Nawaz and Sahista Parveen took place on 9th May, 2004.

4. On an application filed under Section 156(3) of the Code of Criminal Procedure before the Court of Civil Judge (Jr. Div.) Laksar, District-Haridwar stating therein

that there has been a demand of dowry on the part of the family of the applicants. The FIR was lodged after allowing the application under Section 156(3) of the Code of Criminal Procedure.

5. A perusal of the FIR shows that Wali Mohammad is the father of Shah Nawaz, Shah Nawaz is the husband, Firoz Ahmad is another son of Sri Wali Mohammad, Reshma is the daughter of Wali Mohammad, Afsari Begam is the wife of Wali Mohammad.

6. Charge-sheet has been issued against Wali Mohammad and his wife Afsari Begam.

7. In view of the aforesaid facts and circumstances, since the charge-sheet has been issued against the petitioners, I do not think it proper to interfere at this stage with the trial.

8. Without entering into the merits of the controversy, it is made clear that if the applicants appear before the Magistrate concerned within 15 days of passing of this order and, the Court will permit them to file appearance bond to his satisfaction for their regular appearance in the Court. The applicants shall be released on the same day.

9. Subject to above, petition filed under Section 482 of the Code of Criminal Procedure is disposed of.

23.11.2006 (Rajesh Tandon, J.)

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